

REMARKS

Claims 1-30 were originally filed in the present application.

Claims 1-30 are pending in the present application.

Claims 1-30 were rejected in the June 16, 2005, Office Action.

No claims have been allowed.

Claims 4, 7, 16 and 19 are amended herein to correct typographical errors.

Claims 1-30 remain in the present application.

Reconsideration of the claims is respectfully requested.

The Applicants have amended Claims 4, 7, 16 and 19 to correct typographical errors noted by the Applicants. The Applicants respectfully submit that the amendments do not alter the scope of the claims.

In Sections 1 and 2 of the June 16, 2005, Office Action, the Examiner rejected Claims 1-10, 13-22 and 25-30 under 35 U.S.C. §102(e) as being anticipated by U. S. Patent Application Publication No. 2005/0014506 A1 to *Thorson, et al.* (hereafter, simply "*Thorson*"). In Sections 3 and 4 of the June 16, 2005, Office Action, the Examiner rejected Claims 11, 12, 23 and 24 under 35 U.S.C. §103(a) as being unpatentable over the *Thorson* reference. The Applicants respectfully traverse the rejection.

The Applicants respectfully direct the Examiner's attention to independent Claim 1, which contains the unique and non-obvious limitations emphasized below:

1. For use in a wireless communication system comprising a plurality of base stations, each of which is capable of communicating with a plurality of mobile

stations within a base station coverage area, an apparatus for setting up a call from a mobile station, wherein the apparatus comprises:

a base station that sets up said call from said mobile station by receiving an origination message from said mobile station;

wherein said base station sends null frames on a forward traffic channel to said mobile station to verify that said forward traffic channel is reliable instead of sending a base station acknowledgment order to said mobile station to verify that said forward traffic channel is reliable; and

wherein said base station receives a traffic channel preamble from said mobile station on a reverse traffic channel to said base station to verify that said reverse traffic channel is reliable instead of receiving a mobile station acknowledgement order from said mobile station to verify that said reverse traffic channel is reliable.
(*Emphasis added*)

The Applicants respectfully submit that the above-emphasized limitations are not disclosed, suggested, or even hinted at in the *Thorson* reference.

In rejecting Claim 1, the Examiner asserted that in paragraph [0016] the *Thorson* reference discloses sending null frames on a forward traffic channel to a mobile station to verify that the forward traffic channel is reliable instead of sending a base station acknowledgment order to verify that the forward traffic channel is reliable. The Examiner further alleged that in paragraph [0017] the *Thorson* reference discloses receiving a traffic channel preamble from a mobile station on a reverse traffic channel to the base station to verify that the reverse traffic channel is reliable instead of receiving a mobile station acknowledgement order to verify that said reverse traffic channel is reliable. The text of those paragraphs states:

[0016] FIG. 2 is a diagram depicting a prior art call setup messaging sequence 200 that is used to initialize a connection between a mobile unit and a base station in a wireless communication system. The vertical axis represents time but is neither uniform nor depicted to scale. The prior art call setup messaging sequence 200 is sent typically on a forward link by one or more base stations in response to an origination request 202 received from the mobile unit. The prior-art messaging sequence 200 is

usually a serial sequence, which includes a channel assignment 206, traffic channel initialization procedures 208, followed by an exchange of BS ACK Order 210 and MS ACK Order 212 on the forward and reverse traffic channels. In the prior art, traffic channel initialization procedures can involve the transmission of forward link frames by a base station, the reception of at least two of these frames consecutively by a mobile station, then the transmission of a preamble sequence (or reverse pilot or null frames) by the mobile station that the base station receives to "acquire" the mobile.

[0017] The exchange of the BS ACK Order 210 and the MS ACK Order 212 is included in the call setup messaging sequence 200 prior to the remaining signaling 214 to confirm that the signaling mechanisms are working prior to proceeding with the remaining signaling 214. This confirmation proves to the base station that the mobile station can receive base station transmissions. However, this exchange of the BS ACK Order 210 and the MS ACK Order 212 can take a significant amount of time during the call setup process, as many as 240 ms, for example.

The Applicants respectfully submit that the Examiner has mischaracterized the teaching of the *Thorson* reference. While the cited passage teaches that, during traffic channel initialization, a base station may transmit forward link frames to a mobile station, it does not describe sending null frames instead of sending a base station acknowledgement order. Similarly, although the passage discloses that a mobile station may send null frames following the transmission of such forward link frames by a base station, it does not teach sending such frames instead of sending a mobile station acknowledgement order.

In fact, the cited passage teaches away from the invention as recited in Claim 1. In paragraph [0017] the reference teaches that the purpose of the exchange of the BS ACK Order 210 and MS ACK Order 212 is to confirm that the signaling mechanisms are working. There is no other technique taught in the cited passage for verifying that the forward and reverse traffic channels are reliable.

As such, independent Claim 1 contains unique and non-obvious limitations that are not disclosed, suggested, or even hinted at in the *Thorson* reference. Thus, Claim 1 is patentable over the *Thorson* reference. Additionally, Claims 2-12 depend from Claim 1 and contain all of the unique and non-obvious limitations recited in Claim 1. This being the case, Claims 2-12 are also patentable over the *Thorson* reference.

The Applicants respectfully assert that independent Claims 13 and 25 recite limitations that are analogous to the unique and non-obvious limitations recited in Claim 1. Thus, Claims 13 and 25 are patentable over the *Thorson* reference. Additionally, dependent Claims 14-24 and 26-30 depend from independent Claims 13 and 25, directly or indirectly, and contain all of the unique and non-obvious limitations recited in independent Claims 13 and 25. As such, Claims 14-24 and 26-30 also are patentable over the *Thorson* reference. The Applicants request the withdrawal of the §102 rejection of Claims 1-10, 13-22 and 25-30 and the §103 rejection of Claims 11, 12, 23 and 24.

The Applicants also disagree with the Examiner's rejections of Claims 2-20 based on additional misdescriptions and/or misapplications of the *Thorson* reference to at least some of Claims 2-20. However, the Applicants' arguments regarding those other shortcomings of the *Thorson* reference are moot in view of the Claim 1 arguments above. However, the Applicants reserve the right to dispute in future Office Action responses the appropriateness and the applications of the *Thorson* reference to the claims of the present application, including the right to dispute assertions made by the Examiner in the June 16, 2005 Office Action.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.


The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 16 Sept, 2005

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *jmockler@davismunck.com*



John T. Mockler
Registration No. 39,775